

BEFORE THE INSURANCE COMMISSIONER
OF THE STATE OF WASHINGTON

In the Matter of the Application regarding
the Conversion and Acquisition of
Control of Premera Blue Cross and its
Affiliates.

NO. No. G 02-45

PREMERA'S FIRST SET OF
REQUESTS FOR PRODUCTION OF
DOCUMENTS TO THE OIC STAFF
(AND OBJECTIONS AND
RESPONSES THERETO)

TO: The Staff of the Office of the Insurance Commissioner ("OIC Staff") and its
attorney, John Hamje

PREMERA and Premera Blue Cross ("Premera") hereby propound the following
Requests for Production of Documents to the OIC Staff.

The requested documents should be produced for inspection and copying on or before
November 12, 2003 at the offices of Preston Gates & Ellis LLP, 925 Fourth Avenue, Suite
2900, Seattle, Washington 98104, or at such other location as may be determined by agreement
with counsel. While the usual time for response to such request is 30 days, Premera requests
that You produce all the requested documents within 12 days (i.e., by November 12th) or even
sooner, in compliance with Paragraph 3(d) of the Seventeenth Order herein ("Every effort
should be made by the parties to cooperate and produce documents as quickly as possible.") If
You will not be producing all the requested documents by November 12th, please advise

1 Premera of that position by the end of the day on November 3rd, so that Premera can move the
2 Special Master for an order compelling production.

3 You should respond to each discovery request in accordance with the instructions and
4 definitions set forth below. The requests for production of documents are continuing in nature
5 within the meaning of CR 26.

6
7 **INSTRUCTIONS**

8 A. If any document is withheld from production on the ground that its production is
9 privileged due to the attorney-client privilege, work-product rule, or other legally recognized
10 privilege preventing its disclosure to a requesting party, please state separately for each such
11 document: (1) the applicable privilege pursuant to which You claim protection; (2) the date of
12 the document; (3) the nature of the document (e.g., letter); (4) the full name, job title, and
13 employer for each author of the document; (5) the full name, job title, and employer of each
14 addressee and named recipient of the document; (6) the full name, job title, and employer of
15 each person who, to Your knowledge, has seen the document; and (7) in general, the substance
16 of the document.

17 B. In responding to these requests for production, You should provide all documents
18 that are available to You, including all documents that may be in the possession of any person
19 for whom You have authority to act in this proceeding, as well as of Your agents, attorneys, or
20 other persons who are acting under Your direction or on Your behalf or are otherwise subject
21 to Your control.

22 C. In responding to these requests for production, You should make a diligent search
23 of Your records and of other papers and materials in Your possession or available to You.
24 Likewise, You should make a diligent search of the records, papers, and materials in the
25 possession of any person on behalf of whom You claim to have authority to act in this
26 proceeding.

DEFINITIONS

Unless the context clearly indicates otherwise, the following terms and phrases will be defined and used herein as follows:

1. The terms "You" and "Your" mean and include the OIC Staff and all individuals at the Office of the Insurance Commissioner who have done work in regard to the Conversion or the Conversion Hearing or the Conversion Forums and the OIC staff's consultants, attorneys, experts, agents, and investigators.

OIC objects to the term "You" as defined. This definition includes the Commissioner, the Commissioner's legal advisor, Judge Finkle and other individuals advising the Commissioner. The OIC Staff cannot provide documents from the Commissioner, his advisors or Judge Finkle. Premera must serve a separate Request for Production to these individuals.

2. The terms "the Conversion Application" and the term "the Conversion Hearing" refer to the matter pending before the Washington State Office of the Insurance Commissioner, denominated "In the Matter of the Application for Conversion of Premera Blue Cross," Docket No. G02-45, and the hearing thereon. The term "Conversion Forums" refer to the public hearings that the Insurance Commissioner has planned for December 2003.

3. The term "Intervenor" means any of the petitioning intervenors identified in the February 10, 2003 "Fourth Order: Ruling on Motions to Intervene" of the Insurance Commissioner and the term "Intervenor Groups" means the Intervenor Groups identified in said Order.

4. The terms "person" and "persons" mean and include all individuals and all entities of any description, including but not limited to all associations, companies, sole proprietorships, partnerships, joint ventures, corporations, trusts and estates, subsidiaries, and parents, as well as all individuals employed or retained by any of the foregoing.

5. The terms "document" and "documents" mean and include any kind of written, typewritten, or printed material whatsoever, any kind of graphic material, and any computer readable media including, but not limited to, e-mails, papers, agreements, contracts, notes, applications, memoranda, correspondence, studies, working papers, letters, telegrams, invoices, personal diaries, reports, records, books, forms, indexes, transcriptions and recordings, magnetic tapes, video tapes, wire recordings, disks and printed cards, data sheets, data processing cards, personal calendars, interoffice memoranda, minutes and records of any sorts of meetings, financial statements, financial calculations, estimates, reports of telephone or other oral conversations, appointment books, maps, drawings, charts, graphs, photographs, and all other writings and recordings of every kind, however produced or reproduced, whether signed or unsigned. The terms "document" and "documents" include, but without limitation, originals and all file copies and other copies that are not identical to the original no matter how or by whom prepared, and all drafts prepared in connection with any documents, whether used or not. If the original of any document is not in Your possession, custody or control, a copy of that document should be produced.

6. The phrases "relating to" or "regarding" mean consisting of, summarizing, describing, reflecting, or referring to in any way. '

7. The singular shall include the plural, the use of the masculine gender shall include the feminine gender, and, vice versa, whenever the context reasonably allows or requires such construction. "And" and "or" mean "and/or" whenever the context reasonably allows such construction.

DATED this 31st day of October, 2003.

PRESTON GATES & ELLIS LLP

By:

Thomas E. Kelly, Jr., WSBA # 05690
Robert B. Mitchell, WSBA # 10\$74
Attorneys for Petitioner
PREMERA and Premera Blue Cross

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2 **REQUESTS FOR PRODUCTION**

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4 **OIC STAFF'S GENERAL OBJECTIONS**

5 The OIC Staff object to these requests for production insofar as they seek to impose
6 obligations beyond those required under the Civil Rules.

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8 **REQUEST FOR PRODUCTION NO. 1:**

9 For each person whom You expect to call to testify as a consultant or as an expert
10 witness, for whom You will be submitting pre-filed testimony, or whose opinions you
11 otherwise intend to present or rely upon for the Conversion Hearing or the Conversion Forums
12 or for Your position regarding the Conversion Application (hereinafter, an "Expert" or "Your
13 Experts"), please produce (1) a current resume or curriculum vitae, (2) a copy of all
14 engagement letters or memoranda regarding the Expert's engagement; (3) a statement of the
15 compensation paid and to be paid to the Expert or his company; (4) all publications authored
16 by the Expert from January 1, 1990 to the date of response to this Request (hereinafter, "to
17 present"); (5) a list of all matters in which the Expert has, during the time period from January
18 1, 1999 to present, either prepared an expert report or testified as an expert (i.e., testified by
19 way of declaration, pre-filed testimony, deposition or live testimony, at any hearing, trial or
20 other proceeding); (6) a copy of all reports, pre-filed testimony, and declarations of the Expert
21 from January 1, 1999 to present; and (7) a copy of the transcripts of all depositions and
22 testimony of the Expert from January 1, 1999 to present.

23 **RESPONSE:**

24 (1) A current resume or Curriculum vitae will be provided for each testifying expert
25 prior to their deposition.
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1 (2) Premera has copies of all of the contracts regarding the consultants. OIC Staff
2 will provide any amendments to these contracts that Premera does not already have.

3
4 (3) Already provided.

5 (4) The OIC Staff objects to this request as overly broad, ambiguous and seeks
6 material that is neither relevant to the instant matter nor reasonably calculated to lead to the
7 discovery of admissible evidence. This is a blanket demand for production of hundreds of
8 documents that have no bearing on the case. Parties are not entitled to discovery or inspection
9 of documents that are not likely to lead to the discovery of admissible evidence. See CR
10 26(b); *Barfield v. City of Seattle*, 100 Wn.2d 878, 676 P.2d 438 (1984). See also *State ex rel.*
11 *Hamilton v. Standard Oil Co. of Cal.*, 190 Wash 496, 68 P.2d 1031 (1937) The OIC Staff
12 objects to the undefined phrase “all publications authored by the Expert” as vague and
13 ambiguous as to its intended meaning and insofar as it requires production of documents
14 equally accessible to Premera. OIC Staff further objects to this request in that many of the
15 publications are publicly accessible to Premera and/or the documents are not in the
16 possession, custody or control of the OIC Staff or the consultants. Subject to and without
17 waiver of objection, the OIC Staff will produce non-privileged responsive documents for
18 inspection and copying within 30 days after the date of service of these Requests or on a
19 rolling production basis as agreed by the parties in the Joint Proposal Regarding Discovery
20 and Hearing Schedule.
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24 (5) No document responsive to this request are currently known to be in the
25 possession, custody or control of the OIC Staff or the consultants.
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1 (6) The OIC Staff objects this request in to the phrase “all reports, pre-filed testimony,
2 and declarations” as vague and ambiguous as to its meaning. The OIC Staff further objects to
3 this request as overly broad, ambiguous and seeks material that is neither relevant to the
4 instant matter nor reasonably calculated to lead to the discovery of admissible evidence. This
5 is a blanket demand for production of hundreds of documents that have no bearing on the
6 case. Parties are not entitled to discovery or inspection of documents that are not likely to
7 lead to the discovery of admissible evidence. See CR 26(b); *Barfield v. City of Seattle*, 100
8 Wn.2d 878, 676 P.2d 438 (1984). See also *State ex rel. Hamilton v. Standard Oil Co. of Cal.* ,
9 190 Wash 496, 68 P.2d 1031 (1937).
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12 (7) The OIC Staff objects to this request in that it is unduly burdensome, overly broad,
13 extremely time-consuming, and seeks material that is neither relevant to the instant matter nor
14 reasonably calculated to lead to the discovery of admissible evidence. This is a blanket
15 demand for production of hundreds of documents that have no bearing on the case. Parties are
16 not entitled to discovery or inspection of documents that are not likely to lead to the discovery
17 of admissible evidence. See CR 26(b); *Barfield v. City of Seattle*, 100 Wn.2d 878, 676 P.2d
18 438 (1984). See also *ex rel. Hamilton v. Standard Oil Co. of Cal.* , 190 Wash 496, 68 P.2d
19 1031 (1937).
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21 **REQUEST FOR PRODUCTION NO. 2:**

22 Please produce all final reports, surveys, memo or other papers prepared by, or under
23 the supervision of, each person whom You expect to call to testify as a consultant or as an
24 expert witness, for whom You will be submitting pre-filed testimony, or whose opinions you
25 otherwise intend to present or rely upon for the Conversion Hearing or the Conversion Forums
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1 or for Your position regarding the Conversion Application. You do not need to produce the
2 final reports that You produced on October 27, 2003. However, all other documents responsive
3 to this Request must be produced.

4 RESPONSE:

5 All final reports have been provided to Premera. Regarding the request for other
6 documents, the OIC Staff objects to them as overly broad and unduly burdensome and seeks
7 material that is neither relevant to the instant matter nor reasonably calculated to lead to the
8 discovery of admissible evidence. The phrase “all final reports, surveys, memo or other
9 papers” relates to *all* documents that all of the consultants and lay witnesses have ever
10 prepared or supervised the preparation of. This request encompasses thousands of documents
11 over an unlimited time span. It would take months and hundreds of man-hours to find, copy
12 and compile these documents for production. A party is not entitled to discovery or
13 inspection of documents that are not likely to lead to discovery of admissible evidence. *See*
14 *CR 26(b); Barfield v. City of Seattle*, 100 Wn.2d 878, 676 P.2d 438 (1984). The OIC Staff
15 further objects to the extent that this request seeks production of documents that are covered
16 by the attorney-client privilege and work product doctrine.
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19 **REQUEST FOR PRODUCTION NO. 3:**

20 Please produce (1) the resumes of each person whom you expect to call as a non-expert
21 witness at the Conversion Hearing (hereinafter, a "Non-expert Witness"); (2) all notes, drafts or
22 other documents prepared by each such Non-expert Witness constituting, regarding or related
23 to Your position or his/her position regarding the Conversion Application; and (3) each
24 document that each such Non-expert Witness is expected to discuss in his/her testimony at the
25 Conversion Hearing.

26 RESPONSE:

1 (1) The OIC Staff will produce responsive documents within 30 days after the date of
2 service of these Requests or on a rolling production basis as agreed by the parties in the Joint
3 Proposal Regarding Discovery and Hearing Schedule.
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5 (2) The OIC Staff objects to this request to the extent it seeks production of
6 documents that are covered by the attorney-client privilege and work product doctrine.
7 Subject to and without waiver of objection, the OIC Staff will produce non-privileged
8 responsive documents for inspection and copying within 30 days after the date of service of
9 these Requests or on a rolling production basis as agreed by the parties in the Joint Proposal
10 Regarding Discovery and Hearing Schedule.
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12 (3) The OIC Staff will produce non-privileged responsive documents for inspection
13 and copying within 30 days after the date of service of these Requests or on a rolling
14 production basis as agreed by the parties in the Joint Proposal Regarding Discovery and
15 Hearing Schedule.
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17 **REQUEST FOR PRODUCTION NO. 4:**

18 Please produce (1) all drafts of all reports, surveys, memos or other papers prepared by,
19 or under the supervision of, each of Your Expert(s) for the Conversion Hearing or Conversion
20 Forums or for Your position regarding the Conversion Application; (2) all correspondence,
21 emails, documents or other communication to and from You and each such Expert regarding
22 the Conversion Application or the Conversion Hearing or the Conversion Forums, or the
23 drafting or preparation of any such report surveys, memos or other papers; (3) all
24 correspondence, emails or other communication to any consultant from any consultant
25 regarding the Conversion Application or the Conversion Hearing or the Conversion Forums;
26 (4) all correspondence, emails, documents or other communications within the OIC Staff

1 regarding the Conversion Application or the Conversion Hearing or the Conversion Forums;
2 (5) all correspondence, emails, documents or other communications to or from the Staff of the
3 Alaska Division of Insurance regarding the Conversion Application or the Conversion Hearing
4 or the Conversion Forums or Premera's conversion application in Alaska or the hearing
5 thereon; (6) all correspondence, emails, documents or other communications to or from the
6 Washington State Hospital Association, the Association of Washington Public Hospital
7 Districts, the Washington State Medical Association or any of the Intervenor or Intervener
8 Groups or any of its/their respective staff, attorneys, constituents or members regarding the
9 Conversion Application or the Conversion Hearing or the Conversion Forums; and (7) any
10 other documents (other than those produced by Premera to You and any documents that are on
11 the OIC website) regarding or related to the Conversion Application or the Conversion Hearing
12 or the Conversion Forums.

13 RESPONSE:

14 (1) The OIC Staff objects to this request as overly broad and unduly burdensome and
15 seeks material that is neither relevant to the instant matter nor reasonably calculated to lead to
16 the discovery of admissible evidence. The phrase “all draft reports, surveys, memo or other
17 papers” encompasses thousands of documents. It would take months and hundreds of man-
18 hours to find, copy and compile these documents for production. A party is not entitled to
19 discovery or inspection of documents that are not likely to lead to discovery of admissible
20 evidence. *See CR 26(b); Barfield v. City of Seattle*, 100 Wn.2d 878, 676 P.2d 438 (1984).
21 The OIC Staff further objects to the extent that this request seeks production of documents
22 that are covered by the attorney-client privilege and work product doctrine. Subject to and
23 without waiver of objection, the OIC Staff will produce non-privileged responsive documents
24 for inspection and copying within 30 days after the date of service of these Requests or on a
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1 rolling production basis as agreed by the parties in the Joint Proposal Regarding Discovery
2 and Hearing Schedule.

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4 (2) The OIC Staff objects to this request as overly broad and unduly burdensome and
5 seeks material that is neither relevant to the instant matter nor reasonably calculated to lead to
6 the discovery of admissible evidence. The phrase “all correspondence, emails or other
7 communication to any consultant from any consultant” relates to *any and all* communicative
8 documents, encompassing thousands of documents, many of which are irrelevant to the
9 Conversion. A party is not entitled to discovery or inspection of documents that are not
10 likely to lead to discovery of admissible evidence. *See CR 26(b); Barfield v. City of Seattle*,
11 100 Wn.2d 878, 676 P.2d 438 (1984). The OIC Staff further objects to the extent that this
12 request seeks production of documents that are covered by the attorney-client privilege and
13 work product doctrine. Subject to and without waiver of objection, the OIC Staff will produce
14 non-privileged responsive documents for inspection and copying within 30 days after the date
15 of service of these Requests or on a rolling production basis as agreed by the parties in the
16 Joint Proposal Regarding Discovery and Hearing Schedule.
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19 (3) The OIC Staff objects to this request as overly broad and unduly burdensome and
20 seeks material that is neither relevant to the instant matter nor reasonably calculated to lead to
21 the discovery of admissible evidence. The phrase “all correspondence, emails or other
22 communication to any consultant from any consultant” relates to *any and all* communicative
23 documents.” Again, it would take months and hundreds of man-hours to find, copy and
24 compile these documents for production. A party is not entitled to discovery or inspection of
25 documents that are not likely to lead to discovery of admissible evidence. *See CR 26(b);*
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1 *Barfield v. City of Seattle*, 100 Wn.2d 878, 676 P.2d 438 (1984). The OIC Staff further
2 objects to the extent that this request seeks production of documents that are covered by the
3 attorney-client privilege and work product doctrine. Subject to and without waiver of
4 objection, the OIC Staff will produce non-privileged responsive documents for inspection and
5 copying within 30 days after the date of service of these Requests or on a rolling production
6 basis as agreed by the parties in the Joint Proposal Regarding Discovery and Hearing
7 Schedule.
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10 (4) The OIC Staff objects to the extent that this request seeks production of
11 documents that are covered by the attorney-client privilege and work product doctrine.
12 Subject to and without waiver of objection, the OIC Staff will produce non-privileged
13 responsive documents for inspection and copying within 30 days after the date of service of
14 these Requests or on a rolling production basis as agreed by the parties in the Joint Proposal
15 Regarding Discovery and Hearing Schedule.
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17 (5) The OIC Staff objects to this request to the extent it seeks production of
18 documents that are covered by the attorney-client privilege, work product doctrine and RCW
19 48.02.065. Subject to and without waiver of objection, the OIC Staff will produce non-
20 privileged responsive documents for inspection and copying within 30 days after the date of
21 service of these Requests or on a rolling production basis as agreed by the parties in the Joint
22 Proposal Regarding Discovery and Hearing Schedule.
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24 (6) The OIC Staff objects to this request in that it is unduly burdensome, overly broad,
25 extremely time-consuming, and seeks material that is neither relevant to the instant matter nor
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1 reasonably calculated to lead to the discovery of admissible evidence. This is a blanket
2 demand for production of hundreds of documents that have no bearing on the case. A party is
3 not entitled to discovery or inspection of documents that are not likely to lead to discovery of
4 admissible evidence. *See* CR 26(b); *Barfield v. City of Seattle*, 100 Wn.2d 878, 676 P.2d 438
5 (1984). *See also State ex rel. Hamilton v. Standard Oil Co. of Cal.* , 190 Wash 496, 68 P.2d
6 1031 (1937). Subject to and without waiver of objection, the OIC Staff will produce non-
7 privileged responsive documents for inspection and copying within 30 days after the date of
8 service of these Requests or on a rolling production basis as agreed by the parties in the Joint
9 Proposal Regarding Discovery and Hearing Schedule.
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12 (7) The OIC Staff objects to the phrase “any other documents regarding or related to
13 the Conversion Application or the Conversion Hearing or the Conversion Forums” as overly
14 broad and unduly burdensome. This is a blanket demand for production of hundreds of
15 documents that have no bearing on the case. *See* CR 26(b); *Barfield v. City of Seattle*, 100
16 Wn.2d 878, 676 P.2d 438 (1984). *See also State ex rel. Hamilton v. Standard Oil Co. of*
17 *Cal.* , 190 Wash 496, 68 P.2d 1031 (1937). This OIC Staff also objects to this request to the
18 extent it seeks production of documents that are covered by the attorney-client privilege and
19 work product doctrine. Subject to and without waiver of objection, the OIC Staff will produce
20 non-privileged responsive documents for inspection and copying within 30 days after the date
21 of service of these Requests or on a rolling production basis as agreed by the parties in the
22 Joint Proposal Regarding Discovery and Hearing Schedule.
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25 **REQUEST FOR PRODUCTION NO. 5:**
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1 Please produce all of the documents that were obtained by, drafted or prepared for or
2 by, utilized, considered, or otherwise brought to the attention of any of the consultants or
3 experts retained by the OIC Staff in regard to the Conversion Application or the Conversion
4 Hearing or the Conversion Forums, including but not limited to all: working papers; drafts;
5 spreadsheets; data bases; notes; memos; correspondence; draft or final PowerPoint
6 presentations; emails; attachments to emails; charts; opinions; briefs; surveys; reports;
7 transcripts; publications; exhibits; or other documents. Please note that the electronic versions
8 of these documents (as well as all other requested documents requested in this First Set) are to
9 be produced, as well as hard copies; You may send the electronic documents by email to
10 tomk@prestongates.com. Please also note that the documents of any of the consultants or
11 employees of the consultants who are not designated as Experts must also be produced
12 pursuant to this Request. To the extent that the consultants or experts relied upon documents
13 produced by Premera to the OIC Staff, you should identify for each such consultant or expert
14 the documents by Bates number, rather than re-producing those documents.

15 RESPONSE:

16 Premera has received the final reports that were developed by the experts retained by
17 the OIC Staff in regard to the Conversion Application or the Conversion Hearing or the
18 Conversion Forums as required under CR 26(b)(5)(A)(i). Insofar as the consultants relied on
19 documents provided by Premera, these are detailed, by Bates number in the reports. The OIC
20 Staff objects to the remainder of this request that seeks “all of the documents that were
21 obtained by, drafted or prepared for or by, utilized, considered, or otherwise brought to the
22 attention of any of the consultants or experts retained by the OIC Staff” as ambiguous, unduly
23 burdensome, and overly broad. This is a blanket demand for production of hundreds of
24 documents that have no bearing on the case. See *State ex rel. Hamilton v. Standard Oil Co. of*
25 *Cal.*, 190 Wash 496, 68 P.2d 1031 (1937). It would take months and hundreds of man-hours
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1 to find, copy and compile these documents for production. A party is not entitled to discovery
2 or inspection of documents that are not likely to lead to discovery of admissible evidence. *See*
3 CR 26(b); *Barfield v. City of Seattle*, 100 Wn.2d 878, 676 P.2d 438 (1984). The OIC Staff
4 further objects to the extent that this request seeks production of documents that are covered
5 by the attorney-client privilege and work product doctrine. Subject to and without waiver of
6 objection, the OIC Staff will produce non-privileged responsive documents for inspection and
7 copying within 30 days after the date of service of these Requests or on a rolling production
8 basis as agreed by the parties in the Joint Proposal Regarding Discovery and Hearing
9 Schedule.
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12 **REQUEST FOR PRODUCTION NO. 6:**

13 Please produce all documents -- other than those produced by Premera to the OIC Staff
14 and other than those produced in response to other Requests herein -- in Your possession or
15 under Your control that constitute, reflect or refer to any proposed approval, conditional
16 approval, or disapproval of Premera's Conversion Application by the OIC Staff or 'the Experts
17 or other consultants or experts. This would include, but not be limited to, all documents
18 prepared or received by the OIC Staff, including any documents from consultants or others
19 who are not identified as an Expert herein.

20 **RESPONSE:**

21 The OIC Staff objects to this request to the extent it seeks production of documents
22 that are covered by the attorney-client privilege and work product doctrine. The phrase "all
23 documents" is vague, overly burdensome and broad. This is a blanket demand for production
24 of hundreds of documents that have no bearing on the case. *See State ex rel. Hamilton v.*
25 *Standard Oil Co. of Cal.*, 190 Wash 496, 68 P.2d 1031 (1937). Subject to and without
26

1 waiver of objection, the OIC Staff will produce non-privileged responsive documents for
2 inspection and copying within 30 days after the date of service of these Requests or on a
3 rolling production basis as agreed by the parties in the Joint Proposal Regarding Discovery
4 and Hearing Schedule.
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6 **REQUEST FOR PRODUCTION NO. 7:**

7 Please produce all documents -- other than those produced by Premera to the OIC Staff
8 and other than those produced in response to other Requests herein -- in Your possession or
9 under Your control that constitute, reflect or refer to: (1) the Regulatory Cooperation
10 Agreement regarding Premera's applications for approval of a proposed reorganization of its
11 corporate structure between and among the Office of the Insurance Commissioner, State of
12 Washington; the Alaska Department of Community and Economic Development, Division of
13 Insurance; the Oregon Department of Consumer and Business Services, Insurance Division;
14 and the Idaho Department of Insurance (the "Agreement") or any provisions thereof; (2) drafts
15 of the Agreement and any provisions thereof; and (3) correspondence, emails, memos or other
16 communications between and/or among the above-enumerated state agencies regarding the
17 Agreement, any of its provisions or any drafts of the Agreement or any of its provisions.

18 **RESPONSE:**

19 (1) The OIC Staff objects to this request to the extent it seeks production of
20 documents that are covered by the attorney-client privilege and work product doctrine as well
21 as documents that are confidential under RCW 48.02.065. The OIC Staff further objects to
22 the phrase "all documents" as overly broad, unduly burdensome, and vague and beyond the
23 scope of discovery under CR 26(b). Subject to and without waiver of objection, the OIC Staff
24 will produce non-privileged responsive documents for inspection and copying within 30 days
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1 after the date of service of these Requests or on a rolling production basis as agreed by the
2 parties in the Joint Proposal Regarding Discovery and Hearing Schedule.

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4 (2) The OIC Staff objects to this request to the extent it seeks production of
5 documents that are covered by the attorney-client privilege and work product doctrine as well
6 as documents that are confidential under RCW 48.02.065. The OIC Staff further objects to
7 the phrase “drafts of the Agreement” as overly broad, ambiguous and beyond the scope of
8 discovery under CR 26(b). Subject to and without waiver of objection, the OIC Staff will
9 produce non-privileged responsive documents for inspection and copying within 30 days after
10 the date of service of these Requests or on a rolling production basis as agreed by the parties
11 in the Joint Proposal Regarding Discovery and Hearing Schedule.

12
13 (3) The OIC Staff objects to this request to the extent it seeks production of
14 documents that are covered by the attorney-client privilege and work product doctrine as well
15 as documents that are confidential under RCW 48.02.065. The OIC Staff further objects to
16 this request in that it requests documents that are not likely to lead to the discovery of
17 admissible evidence under CR 26(b); *Barfield v. City of Seattle*, 100 Wn.2d 878, 676 P.2d 438
18 (1984). The OIC Staff also objects to the phrase “correspondence, emails, memos or other
19 communications between and/or among the above-enumerated state agencies regarding the
20 Agreement, any of its provisions or any drafts of the Agreement or any of its provisions” in
21 that it is vague, ambiguous, unduly burdensome and overly broad. This is a blanket demand
22 for production of hundreds of documents that have no bearing on the case. See *State ex rel.*
23 *Hamilton v. Standard Oil Co. of Cal.*, 190 Wash 496, 68 P.2d 1031 (1937). Subject to and
24 without waiver of objection, the OIC Staff will produce non-privileged responsive documents
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1 for inspection and copying within 30 days after the date of service of these Requests or on a
2 rolling production basis as agreed by the parties in the Joint Proposal Regarding Discovery
3 and Hearing Schedule.

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5 **REQUEST FOR PRODUCTION NO. 8:**

6 Please produce all documents -- other than those produced by Premera to the OIC Staff
7 and other than those produced in response to other Requests herein -- in Your possession or
8 under Your control that constitute, reflect or refer to any evidence or claim that (1) the
9 financial condition of Premera as a for-profit company might jeopardize its financial stability
10 or prejudice the interest of its subscribers; (2) the Conversion plan is unfair and unreasonable
11 to subscribers and not in the public interest; (3) the competence, experience and integrity of
12 those who would control the operation of the for-profit company are such that it would not be
13 in the interest of subscribers and the public to permit the Conversion; or (4) the Conversion is
14 likely to be hazardous or prejudicial to the insurance-buying public.

15 **RESPONSE:**

16 The OIC Staff objects to the scope of this request as vague, overly broad and unduly
17 burdensome. This request seeks “all documents” and is vague ambiguous and provides no
18 timeframe for the documents requested. This is a blanket demand for production of
19 documents that have no bearing on the case. A party is not entitled to discovery or inspection
20 of documents that are not likely to lead to discovery of admissible evidence. *See* CR 26(b);
21 *Barfield v. City of Seattle*, 100 Wn.2d 878, 676 P.2d 438 (1984). *See also State ex rel.*
22 *Hamilton v. Standard Oil Co. of Cal.*, 190 Wash 496, 68 P.2d 1031 (1937). The OIC Staff
23 further objects to this request to the extent it seeks production of documents that are covered
24 by the attorney-client privilege and work product doctrine. Subject to and without waiver of
25 objection, the OIC Staff will produce non-privileged responsive documents for inspection and
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1 copying within 30 days after the date of service of these Requests or on a rolling production
2 basis as agreed by the parties in the Joint Proposal Regarding Discovery and Hearing
3 Schedule.

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5 **REQUEST FOR PRODUCTION NO. 9:**

6 Please produce all documents -- other than those produced by Premera to the OIC Staff
7 and other than those produced in response to other Requests herein -- in Your possession or
8 under Your control that constitute, reflect or refer to any evidence or claim that the effect of the
9 Conversion may be to substantially lessen competition in the health coverage business.

10 **RESPONSE:**

11 The OIC Staff objects to the scope of this request as vague, overly broad and unduly
12 burdensome. This request seeks “all documents” and is vague ambiguous and provides no
13 timeframe for the documents requested. This is a blanket demand for production of
14 documents that have no bearing on the case. A party is not entitled to discovery or inspection
15 of documents that are not likely to lead to discovery of admissible evidence. *See* CR 26(b);
16 *Barfield v. City of Seattle*, 100 Wn.2d 878, 676 P.2d 438 (1984). *See also State ex rel.*
17 *Hamilton v. Standard Oil Co. of Cal.*, 190 Wash 496, 68 P.2d 1031 (1937). The OIC Staff
18 further objects to this request to the extent it seeks production of documents that are covered
19 by the attorney-client privilege and work product doctrine. Subject to and without waiver of
20 objection, the OIC Staff will produce non-privileged responsive documents for inspection and
21 copying within 30 days after the date of service of these Requests or on a rolling production
22 basis as agreed by the parties in the Joint Proposal Regarding Discovery and Hearing
23 Schedule.
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26 **REQUEST FOR PRODUCTION NO. 10:**

1 Please produce all documents -- other than those produced by Premera to the OIC Staff
2 and other than those produced in response to other Requests herein -- in Your possession or
3 under Your control that constitute, reflect or refer to (1) any valuation of Premera as of the date
4 of any Conversion and (2) whether the value of Premera is preserved for use in accordance
5 with the law.

6 **RESPONSE:**

7 The OIC Staff objects to the scope of this request as not limited to time periods
8 relevant to this proceeding and overly broad and unduly burdensome. The OIC Staff further
9 objects to this request to the extent it seeks production of documents that are covered by the
10 attorney-client privilege and work product doctrine. Subject to and without waiver of
11 objection, the OIC Staff will produce non-privileged responsive documents for inspection and
12 copying within 30 days after the date of service of these Requests or on a rolling production
13 basis as agreed by the parties in the Joint Proposal Regarding Discovery and Hearing
14 Schedule.
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16 **REQUEST FOR PRODUCTION NO. 11:**

17 In regard to the OIC Staff consultant report, dated October 27, 2003 and entitled
18 "Antitrust Review by the Office of Insurance Commissioner: Report of Keith Leffler, Ph.D.,"
19 and the Tables attached thereto (collectively, the "Antitrust Review"), please produce: (1) all
20 documents -- other than those produced by Premera to the OIC Staff and other than those
21 produced in response to other Requests herein -- in Your possession or under Your control that
22 constitute, reflect, provide support for, refer to, or refute any version -- whether draft,
23 preliminary or final -- of the Antitrust Review; (2) any document or data cited or referenced in
24 the Antitrust Review; (3) any document or data considered or used in the course of doing the
25 research for, preparing, or drafting the Antitrust Review; (4) any authorities relied upon by the
26

1 author(s) of the Antitrust Review; (5) any interviews done by or on behalf of the author(s) of
2 the Antitrust Review; (6) any information referenced in the Antitrust Review, whether the
3 author(s) or the OIC Staff deem such information "confidential" or "privileged" or not; and (7)
4 any emails or attachments thereto regarding any version of the Antitrust Review. Please note
5 that the electronic versions of these documents (as well as all other requested documents
6 requested in this First Set), are to be produced, as well as hard copies; You may send the
7 electronic documents by email to tomk@prestongates.com.

8 **RESPONSE:**

9 The OIC Staff objects to this request seeks information regarding facts known or
10 opinions held by experts acquired or developed in anticipation of litigation and the request
11 goes beyond the scope of discovery allowed under CR 26(b)(5). The OIC Staff further
12 objects to the phrase "all documents . . . in Your possession or under Your control that
13 constitute, reflect, provide support for, refer to, or refute any version -- whether draft,
14 preliminary or final -- of the Antitrust Review" as overly broad, ambiguous and unduly
15 burdensome. The burden of searching all repositories, agency and individual, is unreasonable.
16 The OIC Staff further objects to this request to the extent it seeks production of documents
17 that are covered by the attorney-client privilege and work product doctrine. Subject to and
18 without waiver of objection, the OIC Staff will produce non-privileged responsive documents
19 for inspection and copying within 30 days after the date of service of these Requests or on a
20 rolling production basis as agreed by the parties in the Joint Proposal Regarding Discovery
21 and Hearing Schedule.
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24 **REQUEST FOR PRODUCTION NO. 12:**
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1 In regard to the OIC Staff consultant report, dated October 27, 2003 and entitled
2 "Economic Impact Analysis of the Proposed Conversion of Premera Blue Cross .for the State
3 of Washington," by PriceWaterhouseCoopers (the "Economic Impact Review"), please
4 produce: (1) all documents -other than those produced by Premera to the OIC Staff and other
5 than those produced in response to other Requests herein -- in Your possession or under Your
6 control that constitute, reflect, provide support for, refer to, or refute any version -- whether
7 draft, preliminary or final -- of the Economic Impact Review; (2) any document or data cited or
8 referenced in the Economic Impact Review; (3) any document or data considered or used in the
9 course of doing the research for, preparing, or drafting the Economic Impact Review; (4) any
10 authorities relied upon by the author(s) of the Economic Impact Review; (S) any interviews
11 done by or on behalf of the author(s) of the Economic Impact Review; (6) any information
12 referenced in the Economic Impact Review, whether the author(s) or the OIC Staff deem such
13 information "confidential" or "privileged" or not; and (7) any emails or attachments thereto
14 regarding any version of the Economic Impact Review. Please note that the electronic versions
15 of these documents (as well as all other requested documents requested in this First Set), are to
16 be produced, as well as hard copies; You may send the electronic documents by email to
17 tomk@prestongates.com.

18 RESPONSE:

19 The OIC Staff objects to this request seeks information regarding facts known or
20 opinions held by experts acquired or developed in anticipation of litigation and the request
21 goes beyond the scope of discovery allowed under CR 26(b)(5). The OIC Staff further objects
22 to the phrase "all documents . . . in Your possession or under Your control that constitute,
23 reflect, provide support for, refer to, or refute any version -- whether draft, preliminary or final
24 -- of the Antitrust Review" as overly broad, ambiguous and unduly burdensome. The burden
25 of searching all repositories, agency and individual, is unreasonable. The OIC Staff further
26 objects to this request to the extent it seeks production of documents that are covered by the

1 attorney-client privilege and work product doctrine. Subject to and without waiver of
2 objection, the OIC Staff will produce non-privileged responsive documents for inspection and
3 copying within 30 days after the date of service of these Requests or on a rolling production
4 basis as agreed by the parties in the Joint Proposal Regarding Discovery and Hearing Schedule.

5 **REQUEST FOR PRODUCTION NO. 13:**

6 In regard to the OIC Staff consultant report, dated October 27, 2003 and entitled
7 "Accounting & Tax Evaluation of the Proposed Conversion of Premera Blue Cross for the
8 State of Washington," by PriceWaterhouseCoopers, and the Appendices attached thereto
9 (collectively, the "Accounting & Tax Evaluation Review"), please produce: (1) all documents
10 -- other than those produced by Premera to the OIC Staff and other than those produced in
11 response to other Requests herein -- in Your possession or under Your control that constitute;
12 reflect, provide support for, refer to, or refute any version -- whether draft, preliminary or final
13 -- of the Accounting & Tax Evaluation Review; (2) any document or data cited or referenced in
14 the Accounting & Tax Evaluation Review; (3) any document or data considered or used in the
15 course of doing the research for, preparing, or drafting the Accounting & Tax Evaluation
16 Review; (4) any authorities relied upon by the author(s) of the Accounting & Tax Evaluation
17 Review; (5) any interviews done by or on behalf of the author(s) of the Accounting & Tax
18 Evaluation Review; (6) any information referenced in the Accounting & Tax Evaluation
19 Review, whether the author(s) or the OIC Staff deem such information "confidential" or
20 "privileged" or not; and (7) any emails or attachments thereto regarding any version of the
21 Accounting & Tax Evaluation Review. Please note that the electronic versions of these
22 documents (as well as all other requested documents requested in this First Set), are to be
23 produced, as well as hard copies; You may send the electronic documents by email to
24 tomk@prestongates.com.

25 **RESPONSE:**

1 The OIC Staff objects to this request seeks information regarding facts known or
2 opinions held by experts acquired or developed in anticipation of litigation and the request
3 goes beyond the scope of discovery allowed under CR 26(b)(5). The OIC Staff further objects
4 to the phrase "all documents . . . in Your possession or under Your control that constitute,
5 reflect, provide support for, refer to, or refute any version -- whether draft, preliminary or final
6 -- of the Antitrust Review" as overly broad, ambiguous and unduly burdensome. The burden
7 of searching all repositories, agency and individual, is unreasonable. The OIC Staff further
8 objects to this request to the extent it seeks production of documents that are covered by the
9 attorney-client privilege and work product doctrine. Subject to and without waiver of
10 objection, the OIC Staff will produce non-privileged responsive documents for inspection and
11 copying within 30 days after the date of service of these Requests or on a rolling production
12 basis as agreed by the parties in the Joint Proposal Regarding Discovery and Hearing Schedule.

13 **REQUEST FOR PRODUCTION NO. 14:**

14 In regard to the OIC Staff consultant report, dated October 27, 2003 and entitled
15 "Executive Compensation Review: Competitiveness and Reasonableness of Premera
16 Practices," by PriceWaterhouseCoopers, and the Appendices attached thereto (collectively, the
17 "Executive Compensation Review"), please produce: (1) all documents -- other than those
18 produced by Premera to the OIC Staff and other than those produced in response to other
19 Requests herein -- in Your possession or under Your control that constitute, reflect, provide
20 support for, refer to, or refute any version -- whether draft, preliminary or final -- of the
21 Executive Compensation Review; (2) any document or data cited or referenced in the
22 Executive Compensation Review; (3) any document or data considered or used in the course of
23 doing the research for, preparing, or drafting the Executive Compensation Review; (4) any
24 authorities relied upon by the author(s) of the Executive Compensation Review; (5) any
25 interviews done by or on behalf of the author(s) of the Executive Compensation Review; (6)
26 any information referenced in the Executive Compensation Review, whether the author(s) or

1 the OIC Staff deem such information "confidential" or "privileged" or not; and (7) any emails
2 or attachments thereto regarding any version of the Executive Compensation Review. Please
3 note that the electronic versions of these documents (as well as all other requested documents
4 requested in this First Set), are to be produced, as well as hard copies; You may send the
5 electronic documents by email to tomk@prestongates.com.

6 **RESPONSE:**

7 The OIC Staff objects to this request seeks information regarding facts known or
8 opinions held by experts acquired or developed in anticipation of litigation and the request
9 goes beyond the scope of discovery allowed under CR 26(b)(5). The OIC Staff further objects
10 to the phrase "all documents . . . in Your possession or under Your control that constitute,
11 reflect, provide support for, refer to, or refute any version -- whether draft, preliminary or final
12 -- of the Antitrust Review" as overly broad, ambiguous and unduly burdensome. The burden
13 of searching all repositories, agency and individual, is unreasonable. The OIC Staff further
14 objects to this request to the extent it seeks production of documents that are covered by the
15 attorney-client privilege and work product doctrine. Subject to and without waiver of
16 objection, the OIC Staff will produce non-privileged responsive documents for inspection and
17 copying within 30 days after the date of service of these Requests or on a rolling production
18 basis as agreed by the parties in the Joint Proposal Regarding Discovery and Hearing Schedule.

19 **REQUEST FOR PRODUCTION NO. 15:**

20 In regard to the OIC Staff consultant report, dated October 27, 2003 and entitled
21 "Report to the Washington State, Office of Insurance Commissioner on Tax Matters in
22 Connection with the Proposed Conversion of Premera," by PriceWaterhouseCoopers, and the
23 Exhibit attached thereto (collectively, the "Report on Tax Matters"), please produce: (1) all
24 documents -- other than those produced by Premera to the OIC Staff and other than those
25 produced in response to other Requests herein -- in Your possession or under Your control that
26 constitute, reflect, provide support for, refer to, or refute any version -- whether draft,

1 preliminary or final -- of the Report on Tax Matters; (2) any document or data cited or
2 referenced in the Report on Tax Matters; (3) any document or data considered or used in the
3 course of doing the research for, preparing, or drafting the Report on Tax Matters; (4) any
4 authorities relied upon by the author(s) of the Report on Tax Matters; (5) any interviews done
5 by or on behalf of the author(s) of the Report on Tax, Matters; (6) any information referenced
6 in the Report on Tax Matters, whether the author(s) or the OIC Staff deem such information
7 "confidential" or "privileged" or not; and (7) any emails or attachments thereto regarding any
8 version of the Report on Tax Matters. Please note that the electronic versions of these
9 documents (as well as all other requested documents requested in this First Set), are to be
10 produced, ~1 as well as hard copies; You may send the electronic documents by email to
11 tomk@prestongates.com.

12 RESPONSE:

13 The OIC Staff objects to this request seeks information regarding facts known or opinions
14 held by experts acquired or developed in anticipation of litigation and the request goes beyond
15 the scope of discovery allowed under CR 26(b)(5). The OIC Staff further objects to the
16 phrase "all documents . . . in Your possession or under Your control that constitute, reflect,
17 provide support for, refer to, or refute any version -- whether draft, preliminary or final -- of
18 the Antitrust Review" as overly broad, ambiguous and unduly burdensome. The burden of
19 searching all repositories, agency and individual, is unreasonable. The OIC Staff further
20 objects to this request to the extent it seeks production of documents that are covered by the
21 attorney-client privilege and work product doctrine. Subject to and without waiver of
22 objection, the OIC Staff will produce non-privileged responsive documents for inspection and
23 copying within 30 days after the date of service of these Requests or on a rolling production
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1 basis as agreed by the parties in the Joint Proposal Regarding Discovery and Hearing
2 Schedule.

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4 **REQUEST FOR PRODUCTION NO. 16:**

5 In regard to the OIC Staff consultant report, dated October 27, 2003 and entitled
6 "Report on Valuation and Fairness of the Proposed Conversion," by The Blackstone Group,
7 and the Appendices attached thereto (collectively, the "Report on Valuation and Fairness"),
8 please produce: (1) all documents -- other than those produced by Premera to the OIC Staff and
9 other than those produced in response to other Requests herein -- in Your possession or under
10 Your control that constitute, reflect, provide support for, refer to, or refute any version --
11 whether draft, preliminary or final - of the Report on Valuation and Fairness; (2) any document
12 or data cited or referenced in the Report on Valuation and Fairness; (3) any document or data
13 considered or used in the course of doing the research for, preparing, or drafting the Report on
14 Valuation and Fairness; (4) any authorities relied upon by the author(s) of the Report on
15 Valuation and Fairness; (5) any interviews done by or on behalf of the author(s) of the Report
16 on Valuation and Fairness; (6) any information referenced in the Report on Valuation and
17 Fairness, whether the author(s) or the OIC Staff deem such information "confidential" or
18 "privileged" or not; and (7) any emails or attachments thereto regarding any version of the
19 Report on Valuation and Fairness. Please note that the electronic versions of these documents
20 (as well as all other requested documents requested in this First Set), are to be produced, as
21 well as hard copies; You may send the electronic documents by email to
22 tomk@prestongates.com.

23 **RESPONSE:**

24 The OIC Staff objects to this request seeks information regarding facts known or opinions
25 held by experts acquired or developed in anticipation of litigation and the request goes beyond
26 the scope of discovery allowed under CR 26(b)(5). The OIC Staff further objects to the

1 phrase "all documents . . . in Your possession or under Your control that constitute, reflect,
2 provide support for, refer to, or refute any version -- whether draft, preliminary or final -- of
3 the Antitrust Review" as overly broad, ambiguous and unduly burdensome. The burden of
4 searching all repositories, agency and individual, is unreasonable. The OIC Staff further
5 objects to this request to the extent it seeks production of documents that are covered by the
6 attorney-client privilege and work product doctrine. Subject to and without waiver of
7 objection, the OIC Staff will produce non-privileged responsive documents for inspection and
8 copying within 30 days after the date of service of these Requests or on a rolling production
9 basis as agreed by the parties in the Joint Proposal Regarding Discovery and Hearing
10 Schedule.
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13 **REQUEST FOR PRODUCTION NO. 17:**

14 In regard to the OIC Staff consultant report, dated October 27, 2003, which consists of
15 an October 27, 2003 letter from Patrick Cantilo and Cantilo & Bennett, L.L.P., and a Final
16 Report of Cantilo & Bennett, L.L.P., entitled "An analysis of the Form A of Premera," and the
17 Appendices attached thereto (collectively, the "Cantilo Report"), please produce: (1) all
18 documents -- other than those produced by Premera to the OIC Staff and other than those
19 produced in response to other Requests herein -- in Your possession or under Your control that
20 constitute, reflect, provide support for, refer to, or refute any version -- whether draft,
21 preliminary or final -- of the Cantilo Report; (2) any document or data cited or referenced in
22 the Cantilo Report; (3) any document or data considered or used in the course of doing the
23 research for, preparing, or drafting the Cantilo Report; (4) any authorities relied upon by the
24 author(s) of the Cantilo Report; (5) any interviews done by or on behalf of the author(s) of the
25 Cantilo Report; (6) any information referenced in the Cantilo Report, whether the author(s) or
26 the OIC Staff deem such information "confidential" or "privileged" or not; and (7) any emails

1 or attachments thereto regarding any version of the Cantilo Report. Please note that the
2 electronic versions of these documents (as well as all other requested documents requested in
3 this First Set), are to be produced, as well as hard copies; You may send the electronic
4 documents by email to tomk@prestongates.com.

5 **RESPONSE:**

6 The OIC Staff objects to this request seeks information regarding facts known or
7 opinions held by experts acquired or developed in anticipation of litigation and the request
8 goes beyond the scope of discovery allowed under CR 26(b)(5). The OIC Staff further
9 objects to the phrase "all documents . . . in Your possession or under Your control that
10 constitute, reflect, provide support for, refer to, or refute any version -- whether draft,
11 preliminary or final -- of the Antitrust Review" as overly broad, ambiguous and unduly
12 burdensome. The burden of searching all repositories, agency and individual, is unreasonable.
13 The OIC Staff further objects to this request to the extent it seeks production of documents
14 that are covered by the attorney-client privilege and work product doctrine. Subject to and
15 without waiver of objection, the OIC Staff will produce non-privileged responsive documents
16 for inspection and copying within 30 days after the date of service of these Requests or on a
17 rolling production basis as agreed by the parties in the Joint Proposal Regarding Discovery
18 and Hearing Schedule.
19
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21 **REQUEST FOR PRODUCTION NO. 18:**

22 In regard to the Premera's comments on, and factual corrections to, the OIC
23 Consultants' draft reports, which comments and communications were sent to the OIC Staff on
24 October 15, 2003 "Premera's Comments on the OIC Drafts"), please produce: (1) all documents
25 -- other than those produced by Premera to the OIC Staff and other than those produced in
26

1 response to other Requests herein -- in Your possession or under Your control that constitute,
2 reflect, provide support for, refer to, or refute any analysis, comment, reaction or response
3 (either internally or by way of revising the OIC Consultants' draft reports) by the OIC Staff or
4 by the OIC Consultants to Premera's Comments on the OIC Drafts; (2) all documents or data
5 considered or used in the course of analyzing, commenting, reacting or responding (either
6 internally or by way of revising the OIC Consultants' draft reports) by the OIC Staff or by the
7 OIC Consultants to Premera's Comments on the OIC Drafts; (3) all documents or data
8 considered or used in the course of making any changes to the OIC Consultants' October 3,
9 2003 draft reports or in the course of preparing the OIC Consultants' October 27, 2003 Final
10 Reports; (4) all documents constituting or reflecting all communications, whether oral or
11 written, between or among the OIC Staff and any or all of the OIC Consultants; and (5) any
12 other document, including but not limited to email, in which any of Premera's Comments on
13 the OIC Drafts is mentioned. Please note that the electronic versions of these documents (as
14 well as all other requested documents requested in this First Set), are to be produced, as well as
15 hard copies; You may send the electronic documents by email to tomk@prestongates.com.

16 RESPONSE:

17 The OIC Staff objects to this request seeks information regarding facts known or opinions
18 held by experts acquired or developed in anticipation of litigation and the request goes beyond
19 the scope of discovery allowed under CR 26(b)(5). The OIC Staff further objects to the
20 phrase "all documents . . . in Your possession or under Your control that constitute, reflect,
21 provide support for, refer to, or refute any version -- whether draft, preliminary or final -- of
22 the Antitrust Review" as overly broad, ambiguous and unduly burdensome. The burden of
23 searching all repositories, agency and individual, is unreasonable. The OIC Staff further
24 objects to this request to the extent it seeks production of documents that are covered by the
25 attorney-client privilege and work product doctrine. Subject to and without waiver of
26

1 objection, the OIC Staff will produce non-privileged responsive documents for inspection and
2 copying within 30 days after the date of service of these Requests or on a rolling production
3 basis as agreed by the parties in the Joint Proposal Regarding Discovery and Hearing
4 Schedule.

5 DATED this _____ day of November, 2003.

6
7 CHRISTINE O. GREGOIRE
8 Attorney General

9
10 _____
11 MELANIE C. DELEON
12 Assistant Attorney General
13 WSBA No. 30100

14
15 Attorneys for Office of the Insurance
16 Commissioner's Staff

17
18 VERIFICATION DECLARATION

19 I, _____, make the following declaration under penalty of
20 perjury:

21 I am a representative of the Staff of the Office of the Insurance Commissioner ("OIC
22 Staff") and have been authorized by it to sign this Verification Declaration. I have read the
23 foregoing Requests for Production and the OIC Staff's Responses thereto, know the contents
24 thereof, and state that those Responses are true, correct and complete.

25 The OIC Staff has produced all responsive documents for inspection and copying.

26 I declare under penalty of perjury that the foregoing is true and correct.

Executed this _____ day of November, 2003, at Olympia, Washington.

[Print name] _____
[Title] _____
Authorized Representative of the OIC Staff

DATED this _____ day of November, 2003.